

WHITE & CASE

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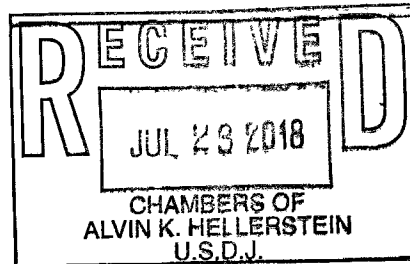
kenneth.caruso@whitecase.com

White & Case LLP
1221 Avenue of the Americas
New York, NY 10020-1095
T +1 212 819 8200

whitecase.com

July 20, 2018

Hon. Alvin K. Hellerstein
United States District Judge
United States Courthouse
500 Pearl Street – Room 1050
New York, NY 10007



Re: Vera v. BBVA
12 Civ. 1596 (AKH)

Dear Judge Hellerstein:

I represent Banco Bilbao Vizcaya Argentaria, S.A. I hereby submit, through the Orders and Judgments Clerk, a [Proposed] Final Judgment. I respectfully request that the Court enter this judgment expeditiously, to use the word used by the Court of Appeals.

On Sunday, July 15, 2018, I sent a draft of this [Proposed] Final Judgment to Petitioners' counsel (copied below), asking for their positions. I have not heard from them.

Respectfully submitted,

Kenneth A. Caruso

Enclosure

cc: Robert A. Swift, Esq.
James Perkins, Esq.
Andrew Hall, Esq.

*in light of my order
issued today, establishing
a procedure for settling
judgments, this submission
is denied without prejudice
7/23/18
[Signature]*

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ALDO VERA, JR., as Personal Representative of the
Estate of Aldo Vera, Sr.,

Plaintiff,

v.

THE REPUBLIC OF CUBA,

Defendant.

Case No. 12-CV-01596
(AKH)

ALDO VERA, JR., as Personal Representative of the
Estate of Aldo Vera, Sr.; and

JEANNETTE FULLER HAUSLER, and WILLIAM
FULLER as court-appointed co-representatives of the
ESTATE OF ROBERT OTIS FULLER, deceased, on
behalf of all beneficiaries of the Estate and the ESTATE
OF ROBERT OTIS FULLER; and

ALFREDO VILLOLDO, individually, and GUSTAVO
E. VILLOLDO, individually and as Administrator,
Executor, and Personal Representative of the ESTATE
OF GUSTAVO VILLOLDO ARGILAGOS,

Petitioners,

v.

BANCO BILBAO VIZCAYA ARGENTARIA (S.A.);
BANK OF AMERICA N.A.; BANK OF NEW YORK
MELLON; BARCLAY'S BANK PLC; CITIBANK,
N.A.; CREDIT SUISSE AG, NEW YORK BRANCH;
DEUTSCHE BANK TRUST COMPANY
AMERICAS; HSBC BANK (HSBC BANK USA,
N.A.); INTESA SANPAOLO S.P.A.; JP MORGAN
CHASE BANK, N.A.; RBS CITIZENS, N.A.; ROYAL
BANK OF CANADA; SOCIETE GENERALE; UBS
AG; WELLS FARGO BANK, NA; BROWN
BROTHERS HARRIMAN & CO.; MERCANTIL
COMMERCEBANK, N.A.; STANDARD
CHARTERED BANK; AND BANCO SANTANDER,
S.A.,

Respondents/Garnishees.

**[PROPOSED]
FINAL JUDGMENT**

WHEREAS, on March 17, 2015, the Court entered an Order for Turnover of a Specified Phase I Account at Banco Bilbao Vizcaya Argentaria, S.A. ("BBVA") (the "Specified Account") (Dkt. No. 739-2);

WHEREAS, on May 8, 2015, the Court entered an Order permitting BBVA to deposit the Specified Account into the Registry of the U.S. Courts ("Registry") (Dkt. No. 767);

WHEREAS, on May 19, 2015, BBVA deposited the Specified Account into the Registry;

WHEREAS, the Stipulation of Voluntary Dismissal entered on May 9, 2016 (the "Stipulation") (Dkt. No. 895) identified various orders providing for the turnover to Petitioners of certain Phase I Accounts identified in the Amended Omnibus Petition for Turnover Order (Dkt. No. 423) (the "Amended Petition") and held by the Garnishee Banks defined as such in the Stipulation;

WHEREAS, pursuant to the Stipulation as entered, any remaining claims asserted in the Amended Petition against the Garnishee Banks with respect to blocked Phase I, Phase II or Non-EFT Accounts held by the Garnishee Banks were dismissed with prejudice;

WHEREAS, the Court hereby incorporates by reference and adopts herein the defined terms set forth in the Stipulation;

WHEREAS, BBVA was not a signatory to the Stipulation, and therefore, upon entry of the Stipulation, BBVA became the only Respondent remaining in this proceeding;

WHEREAS, on May 25, 2017 (Dkt. No. 929), June 2, 2017 (Dkt. No. 930), and June 5, 2017 (Dkt. No. 932), the Court entered orders and an amended order granting Petitioners' motion to enforce the Court's prior turnover orders with respect to the Specified Account and directing the Registry to disburse to Petitioners the funds on deposit in the Registry (the "Turnover Enforcement Orders");

WHEREAS, on June 9, 2017, the Registry disbursed such funds to Petitioners;

WHEREAS, BBVA appealed from the Turnover Enforcement Orders to the United States Court of Appeals for the Second Circuit (the "Second Circuit");

WHEREAS, on June 28, 2018, the Second Circuit entered an order dismissing BBVA's appeal for lack of appellate jurisdiction and directing this Court to issue an appealable final judgment expeditiously (Dkt. No. 960);

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, as follows:

1. Final judgment shall be entered as follows:

a. The Amended Petition is dismissed with prejudice as to any remaining claims against BBVA.

b. All writs of execution, notices of pending action, restraining notices, and other judgment-creditor process of any kind served on, or delivered to, BBVA are vacated.

Dated: New York, New York
July __, 2018

ENTERED:

Alvin K. Hellerstein
U.S.D.J.